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27 April 1981

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FILE: Legal

MEMORANDUM FOR: See Distribution

FROM:

[Redacted]

Chief, Legislation Division, OLC

SUBJECT: Inspector General Act Amendments (H.R. 2098)

REFERENCE: OLC 81-0757 (27 March)

The attached letter has been sent to OMB for Administration clearance prior to forwarding to House Government Operations Committee Chairman Brooks. Please advise as quickly as possible if you perceive any problems with it.

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[Redacted]

Attachment:

Distribution:

1 - Chuck Briggs (IG)

1 - [Redacted] S/DDO)

1 - [Redacted] tant General Counsel for the DDO)

1 - [Redacted] OGC)

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Washington, D.C. 20505

Honorable Jack Brooks, Chairman  
Committee on Government Operations  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

I am informed that your Committee will be meeting on 30 April to markup H.R. 2098, the "Inspector General Act Amendments of 1981." I believe it would be advisable to include in this legislation a provision which would take cognizance of the responsibility of the Director of Central Intelligence for the protection of intelligence sources and methods.

The establishment of statutory Offices of Inspector General in the Departments of Defense, Justice, and Treasury raises the possibility of Inspector General access to classified national security information. The Department of Defense, Justice, and Treasury are members of the National Foreign Intelligence Board, and elements of all three Departments deal with classified material, including Sensitive Compartmented Information. The Department of Defense, moreover, carries out certain national foreign intelligence programs which operate under Intelligence Community-wide security standards.

I would respectfully suggest, therefore, that it would be appropriate to amend the Inspector General Act of 1978 so as to insure the protection of classified information and intelligence sources and methods. Such a provision was included as subsection 209(d)(4) of the Foreign Service Act of 1980 (P.L. 96-465), which established a statutory Inspector General of the Department of State and the Foreign Service. Specifically, I would suggest that a new subsection 6(d) be added to the Inspector General Act as follows:

"(d) Nothing in this Act shall be construed to detract from the responsibility of the Director of Central Intelligence for the protection of intelligence sources and methods from unauthorized disclosure (50 U.S.C. 403(d)(3)), or to authorize the public disclosure by any individual of any information which is -

- (1) specifically prohibited from disclosure by any provision of law; or
- (2) specifically required by Executive Order to be kept secret in the interest of national security or defense."

Your consideration of this proposal would be greatly appreciated. The Office of Management and Budget has advised that this proposed amendment is consistent with the Administration's objectives.

Sincerely,

William J. Casey